

June 28, 2004
Case No.: PHD 99-175 (7790/339)
Serial No.: 09/663,315
Filed: September 15, 2000
Page 8 of 13

REMARKS/DISCUSSION OF ISSUES

In the Final Office Action of May 14, 2004, Examiner Ng objected to and rejected pending claims 12-31 on various grounds. The Applicant responds to each objection and rejection as subsequently recited herein, and respectfully requests reconsideration of the present application under 37 CFR § 1.116:

A. Examiner Ng rejected claims 17 and 18 under 35 U.S.C. §112, ¶2 as being indefinite

The Applicant has amended dependent claim 17 to recite "wherein the terminal is further operable to transmit the first reservation request to the base station for at least one additional time in dependence on a second persistency probability of the at least one further persistency probability". Withdrawal of the rejection of claims 17 and 18 under 35 U.S.C. §112, ¶2 as being indefinite is therefore respectfully requested.

B. Examiner Ng rejected claims 12 and 15-21 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,374,099 to *Bi* et al.

The Applicant has thoroughly considered Examiner Ng's remarks concerning the patentability of claims 12 and 15-21 over *Bi*. The Applicant has also thoroughly read *Bi*. To warrant this anticipation rejection of claims 12 and 15-21, *Bi* must show each and every limitation of independent claim 1 in as complete detail as is contained in independent claim 1. See, MPEP §2131. The Applicant respectfully traverses this anticipation rejection of claims 12 and 15-21, because *Bi* fails, among other things, to disclose and teaches away from "wherein, subsequent to a transmission of the first reservation request for the first time by the terminal to the base station, the terminal is further operable to transmit the first reservation request for at least one additional time to the base station in dependence on at least one further persistency probability" as recited in independent claim 12.

June 28, 2004
Case No.: PHD 99-175 (7790/339)
Serial No.: 09/663,315
Filed: September 15, 2000
Page 9 of 13

As to the traversal, *Bi* teaches an implementation of an access procedure involving the conditional transmission of fifteen (15) access probe sequences (i.e., reservation requests as described in the present application) to a base station where each transmitted probe sequence can include up to sixteen (16) access probes of different power levels as shown in FIG. 2 of *Bi*.

Specifically, referring to FIGS. 4A and 4B, *Bi* teaches an application of a persistency test (block 68 shown in FIG. 4A) to a first access probe sequence (i.e., the first reservation request as originally recited in independent claim 12 of the present application) whereby, once the first access probe sequence passes the persistency test, a process of conditionally and sequentially transmitting the access probes of the first access probe sequence to the base station is started (block 38 shown in FIG. 4A) until such time either an acknowledgement of one of the transmitted access probes by the base station is received (block 44 shown in FIG. 4B) or all sixteen (16) access probes of the first access probe sequence have been unsuccessfully transmitted to the base station (block 56 shown in FIG. 4B).

In the former case, the access procedure of *Bi* is terminated. In the latter case, a persistency test (block 68 shown in FIG. 4A) is applied to a second access probe sequence (i.e., the second reservation request as originally recited in dependent claim 22 of the present application) whereby, once the second access probe sequence passes the persistency test, a process of conditionally and sequentially transmitting the access probes of the second access probe sequence to the base station is started (block 38 shown in FIG. 4A) until such time either an acknowledgement of one of the transmitted access probes by the base station is received (block 44 shown in FIG. 4B) or all sixteen (16) access probes of the second access probe sequence have been unsuccessfully transmitted to the base station (block 56 shown in FIG. 4B).

June 28, 2004
Case No.: PHD 99-175 (7790/339)
Serial No.: 09/663,315
Filed: September 15, 2000
Page 10 of 13

In the former case, the access procedure of B_i is terminated. In the latter case, blocks 34-66 will thereafter continually be executed until such time either an acknowledgement of one of the transmitted access probes of access probe sequences 3-15 by the base station is received (block 44 shown in FIG. 4B) or all sixteen (16) access probes of access probe sequences 3-15 have been unsuccessfully transmitted to the base station (block 56 shown in FIG. 4B).

Independent claim 12 of the present application requires that, after the initial transmission of the first reservation request as dependent upon a first persistency probability, additional transmissions of the first reservation request can be dependent upon persistent probabilities other than the first persistency probability. By comparison, a clear understanding of B_i , as set forth above, unequivocally shows that B_i teaches the transmission of each access probe of a first access probe sequence (i.e., the first reservation request) is dependent upon a single persistency probability. This is evidenced by (1) the fact that, after passing the persistency test in block 68 (FIG. 4A), the conditional and sequential transmission of each access probe of the first access probe sequence never returns to block 68, but instead conditionally loops between blocks 38-54, and (2) the fact that the access procedure only returns to block 68 to apply the persistency test to the second access probe sequence if and only if each access probe of the first access probe sequence failed to be successfully transmitted to the base station.

Thus, at best, B_i teaches (1) a terminal transmitting a first access probe of a first access probe sequence to the base station in dependence on a first persistency probability, (2) subsequent to the transmission of the first access probe of the first access probe sequence, the terminal conditionally and sequentially transmits access probes 2-16 of the first access probe sequence in dependence on the first persistency probability and (3) if necessary, the terminal conditionally and sequentially transmit the access probes of access probe sequences 2-15 in dependence on persistency probabilities other than the first persistency probability. Furthermore, as required by claim 12 of the present application, B_i teaches away from (1) a terminal transmitting a first access probe of a first access probe sequence to the base station

June 28, 2004
Case No.: PHD 99-175 (7790/339)
Serial No.: 09/663,315
Filed: September 15, 2000
Page 11 of 13

in dependence on a first persistency probability, and (2) subsequent to the transmission of the first access probe of the first access probe sequence, the terminal conditionally and sequentially transmitting access probes 2-16 of the first access probe sequence in dependence on persistency probabilities other than the first persistency probability.

Withdrawal of the rejection of independent claim 12 under §102(e) as being anticipated by *Bi* is therefore respectfully requested.

Claims 15-21 depend from independent claim 12. Therefore, dependent claims 15-21 include all of the elements and limitations of independent claim 12. It is therefore respectfully submitted by the Applicant that dependent claims 15-21 are allowable over *Bi* for at least the same reason as set forth herein with respect to independent claim 12 being allowable over *Bi*. Withdrawal of the rejection of dependent claims 15-21 under 35 U.S.C. §102(e) as being anticipated by *Bi* is therefore respectfully requested.

C. Examiner Ng rejected claims 13 and 14 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,374,099 to *Bi* et al. in view of U.S. Patent No. 6,621,087 to *Jung* et al.

Claims 13 and 14 depend from independent claim 12. Therefore, dependent claims 13 and 14 include all of the elements and limitations of independent claim 12. It is therefore respectfully submitted by the Applicant that dependent claims 13 and 14 are allowable over *Bi* in view of *Jung* for at least the same reason as set forth herein with respect to independent claim 12 being allowable over *Bi*. Withdrawal of the rejection of dependent claims 13 and 14 under 35 U.S.C. §103(a) as being unpatentable over *Bi* in view of *Jung* is therefore respectfully requested.

D. Examiner Ng rejected claim 27 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,374,099 to *Bi* et al. in view of U.S. Patent No. 6,078,572 to *Tanno* et al.

June 28, 2004
Case No.: PHD 99-175 (7790/339)
Serial No.: 09/663,315
Filed: September 15, 2000
Page 12 of 13

Claim 27 depends from independent claim 12. Therefore, dependent claim 27 includes all of the elements and limitations of independent claim 12. It is therefore respectfully submitted by the Applicant that dependent claim 27 is allowable over *Bi* in view of *Jung* for at least the same reason as set forth herein with respect to independent claim 12 being allowable over *Bi*. Withdrawal of the rejection of dependent claim 27 under 35 U.S.C. §103(a) as being unpatentable over *Bi* in view of *Jung* is therefore respectfully requested.

E. Examiner Ng objected to claims 22-26 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim

The Applicant hereby acknowledges Examiner Ng recognition of the allowable subject matter of dependent claims 22-26, and reserves the right to add new claims directed to the allowable subject matter of dependent claims 22-26.

June 28, 2004
Case No.: PHD 99-175 (7790/339)
Serial No.: 09/663,315
Filed: September 15, 2000
Page 13 of 13

SUMMARY

Examiner Ng's rejections of claims 12-21 and 27 have been obviated by remarking herein supporting allowance of claims 12-21 and 27 over the art of record. The Applicant respectfully submits that claims 12-31 as listed herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Ng is respectfully requested to contact the undersigned at the telephone number listed below.

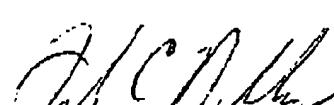
Dated: June 28, 2004

Respectfully submitted,
CHRISTOPH HERMANN

PHILIPS INTELLECTUAL PROPERTY
& STANDARDS
P.O. Box 3001
Briarcliff, New York 10510
Phone: (914) 333-9612
Fax: (914) 332-0615

Jack D. Slobod
Registration No. 26,236
Attorney for Applicant

CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, Illinois 60201
Phone: (847) 905-7111
Fax: (847) 905-7113


Frank C. Nicholas
Registration No. 33,983
Attorney for Applicant